IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

)	C/A No. 3:05-0639-CMC-JRM
)	OPINION AND ORDER
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In this civil action filed February 28, 2005, Plaintiff, proceeding *pro se*, complains that her husband, Thomas Richardson, has suffered declining health because Defendants failed to disclose to Plaintiff's husband that he was a diabetic when he was treated by Air Force physicians in March 1991. She asks for damages in the amount of \$4,000,000.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The Magistrate Judge issued a Report recommending that this case be dismissed without

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prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if she failed to do so. Plaintiff has filed objections.

The court has carefully considered Plaintiff's objections and finds them to be without merit. After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and the objections, the court agrees with the conclusions of the Magistrate Judge. Therefore, the court adopts and incorporates the Report and Recommendation by reference in this order.

IT IS THEREFORE ORDERED that this matter is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina December 2, 2005